

**SUPREME COURT MINUTES
TUESDAY, NOVEMBER 24, 2009
SAN FRANCISCO, CALIFORNIA**

S162435 B189898 Second Appellate District, Div. 8 **MCCANN (TERRY) v.
FOSTER WHEELER, LLC.**

Request for judicial notice denied

The motion for judicial notice, filed by plaintiffs on September 20, 2008, is denied as unnecessary because the documents in question already are contained in the record on appeal that has been transmitted to this court by the Court of Appeal.

S177579 **HARRIS (WAYDE HOLLIS) v.
S.C. (FOX)**

Order filed

The order of this court filed on November 10, 2009, transferring the above-entitled matter to the Court of Appeal, Third Appellate District, is hereby vacated. The petition for writ of mandate filed on October 26, 2009, is hereby ordered stricken due to clerical error.

S160620 **WHITWORTH ON
DISCIPLINE**

Probation revoked

The court orders that the probation of VALERIE CANDICE WHITWORTH, State Bar Number 94581, is revoked. The court further orders that:

1. VALERIE CANDICE WHITWORTH is suspended from the practice of law for one year.
2. VALERIE CANDICE WHITWORTH is given credit towards the one-year suspension for the period of involuntary inactive enrollment which commenced on August 29, 2009.
3. VALERIE CANDICE WHITWORTH is again placed on probation for two years and must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order filed on August 26, 2009.

VALERIE CANDICE WHITWORTH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S176653**MARTINEZ, JR., ON
DISCIPLINE**

Recommended discipline imposed

The court orders that HENRY JOHN MARTINEZ, JR., State Bar Number 109102, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. HENRY JOHN MARTINEZ, JR., is suspended from the practice of law for the first nine months of probation;
2. HENRY JOHN MARTINEZ, JR., must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 28, 2009; and
3. At the expiration of the period of probation, if HENRY JOHN MARTINEZ, JR., has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

HENRY JOHN MARTINEZ, JR., must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-fourth of the costs must be paid with his membership fees for the years 2010, 2011, 2012, and 2013. If HENRY JOHN MARTINEZ, JR., fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S176656**SCHELLY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that PAUL ALAN SCHELLY, State Bar Number 54505, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

PAUL ALAN SCHELLY must make restitution as recommended by the Review Department of the State Bar Court in its Opinion and Order filed on February 11, 2009. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

PAUL ALAN SCHELLY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S176659**STEIN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID NATHAN STEIN, State Bar Number 202448, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DAVID NATHAN STEIN must make restitution as recommended by the Hearing Department of the State Bar Court in its decision filed July 9, 2009. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DAVID NATHAN STEIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.